

**REMARKS / ARGUMENTS**

This amendment is submitted in full response to the outstanding Office Action dated September 13, 2007.

Page 2 of the outstanding Office Action indicates that claims 19, 21 through 29, 31 and 32 stand rejected under 35 U.S.C. 102(b) as being anticipated by Cox. However, on the Office Action Summary Sheet, as well as page 6 of the Office Action, the Examiner clearly indicates that claims 21 and 22 stand objected to only as being dependent upon a rejected base claim but would otherwise be allowable if rewritten in independent form including all of the limitations of the base claim and intervening claims. Therefore, the claims indicated as being anticipated under 35 U.S.C. 102 appear to be inconsistent with the Examiner's clear indication that allowable subject matter is recited in dependent claims 21 and 22.

Further, in applying Cox directly to Applicant's claims 21 and 22, the Examiner contends that track segments (24) as disclosed in Figure 2 of the Cox reference are disposed at a predetermined angular inclination relative to the supporting surface. However, a detailed review of Figure 2 of the Cox reference, as well as the descriptive portion of the specification relating to Figure 2, clearly indicates that the track segments (24) are angularly inclined **relative to one**

**another** and are **not** angularly inclined relative to the supporting surface. It is further noted that Figure 2 of Cox is a top plan view and as such could not and does not provide an indication of the angular inclination of the track segments (24) **relative to the supporting surface**. Figure 2 only represents the track segments (24) being angularly oriented relative to one another.

Therefore, Applicant assumes that the dependent claims 21 and 22 were inadvertently contained in the outstanding rejection under 35 U.S.C. 102(b) as being anticipated by Cox.

#### **Amended Claims**

Based on the above and more specifically on the Examiner's clear indication that dependent claims 21 and 22 contain allowable subject matter, independent claim 19 has been further amended to include the recitation of dependent claim 21. In addition claim 22 has been amended to change its dependency to amended, independent claim 19. Claims 21 and 31 have been cancelled in order to avoid duplication of claimed subject matter.

In light of independent claim 19 now reciting the allowable subject matter of dependent claim 21, Applicant does not address the substantive issues of the additional outstanding claim

rejections under 35 U.S.C. 103, in that the claims rejected there under as being obvious are dependent from amended claim 19.

### **Conclusion**

In light of the Amendments made to the claims now present in this application and the clear recognition of allowable subject matter, Applicant respectfully contends that this application is now in condition for allowance and such action is respectfully requested.

In the event that any additional fee may be required by the filing of this paper, the Commissioner is hereby authorized to charge any fees and/or credits to our **Deposit Account No. 13-1227.**

Respectfully Submitted,

MALLOY & MALLOY, P.A.  
Attorneys for Applicant  
2800 S.W. 3<sup>rd</sup> Avenue  
Historic Coral Way  
Miami, Florida 33129  
(305) 858-8000

By: 

Peter A. Matos  
Reg. No. 37,884

Date: 12/13/07